

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:01CR113
)
v.)
)
DAMIEN WELLS,) ORDER
)
)
Defendant.)
)

This matter is before the court on defendant's motion to reduce sentence under the 2011 crack cocaine guidelines. Filing No. [172](#). Subsequent to the filing of the motion, the court ordered the Federal Public Defendant to represent the defendant on this issue. Filing No. 173. Thereafter, counsel for the defendant moved to withdraw on the basis that defendant was sentenced to the applicable mandatory minimum sentence, and thus not entitled to relief. Filing No. [175](#). The court granted counsel's motion to withdraw. Filing No. 176. Accordingly, the court is of the opinion that defendant's motion to reduce his sentence under the 2011 crack cocaine guidelines, Filing No. [172](#), is without merit and should be dismissed. The court will grant defendant until **February 13, 2012**, to show this court why his motion to reduce sentence, Filing No. [172](#), should not be dismissed.

IT IS ORDERED:

1. The defendant shall show cause in writing on or before **February 13, 2012**, as to why this court should not dismiss his motion to reduce sentence, Filing No. [172](#).
2. The Clerk of Court shall mail a copy of this order to the defendant at his last known address.

DATED this 12th day of January, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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